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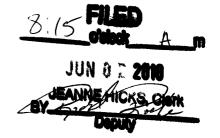
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YAVAPAI COUNTY ATTORNEY'S OFFICE JOSEPH C. BUTNER SBN 005229 DEPUTY COUNTY ATTORNEY 255 East Gurley Street Prescott, AZ 86301 Telephone: 928-771-3344

ycao@co.yavapai.az.us



IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, v. STATE'S PROPOSED STATEMENT TO JURORS STEVEN CARROLL DEMOCKER, Defendant.

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its statement to be read to the proposed jury panel on June 2, 2010. For the most part, the State agrees with Defendant's proposed statement. For brevity, the State will not repeat parts of Defendant's statement it agrees with.

The State would add to the first sentence of the second paragraph on page one the following: "The Court has asked you to come here today for *three* reasons. At this end of this paragraph add: Third, it is entirely conceivably that following the individual questioning this court will impanel a jury and the trial will begin immediately.

Directing your attention to pages 4 and 5, the State objects to the language beginning in the first full paragraph, page 4 starting with "Specifically" and proceeding to the top of page 5

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and ending with the words "group questioning." The State has filed a motion seeking leave to file an amendment to the indictment alleging non-capital sentencing aggravators pursuant to A.R.S. §13.702. If this motion is granted by the Court, the non-capital sentencing aggravators must be tried to the jury. Pursuant to Blakely v. Washington 542 U.S. 296, 301, 124 S.Ct. 2531, 2536 (U.S.Wash.,2004), we are required to apply the rule expressed in *Apprendi v. New Jersey*, 530 U.S. 466, 490, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000): "Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt."

Beginning at the top of page 6, delete the last sentence starting with the words "In short..."

The State objects to the language beginning with the last paragraph on page 6 starting with the word "Throughout" and ending near the bottom of page 7 with the words "discussion with us." This type of inquiry is more properly explored on an individual bases.

RESPECTFULLY SUBMITTED this 2^{nd} , June, 2010.

Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

Dv.

seph C. Butner

Deputy County Attorney

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torney 771-3110	1 2 3 4 5 6 7 8 9	COPIES of the foregoing delivered this 2nd day of June, 2010 to: Honorable Thomas J. Lindberg Division 6 Yavapai County Superior Court John Sears 511 E Gurley St. Prescott, AZ 86301 Attorney for Defendant Larry Hammond Anne Chapman Osborn Maledon, P.A.
Office of the Yavapai County Attorney 255 E. Gurley Street, Suite 300 Prescott, AZ 86301 Phone: (928) 771-3344 Facsimile: (928) 771-3110	11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	2929 North Central Ave, 21st Floor Phoenix, AZ Attorney for Defendant By: Web Correll